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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yasushi ITO

Group Art Unit: 3681

Application No.: 10/092,800

Examiner: D. Wright

Filed: March 8, 2002

Docket No.: 111405

For: CONTROL APPARATUS AND METHOD FOR VEHICLE HAVING INTERNAL COMBUSTION ENGINE AND CONTINUOUSLY VARIABLE TRANSMISSION, AND CONTROL APPARATUS AND METHOD FOR INTERNAL COMBUSTION ENGINE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the May 28, 2004 Restriction Requirement, Applicant provisionally elects Group 1, claims 1, 2 and 13, with traverse. Claims 3-6 and 18 were previously allowed by the Patent Office.

Initially, Applicant notes that the Action incorrectly indicated that claims 1-6, 13 and 18 are pending. In the present application, claims 1-24 are pending, with claims 7-12, 14-17 and 19-24 being previously withdrawn from consideration. Accordingly, Applicant respectfully requests clarification.

The Restriction Requirement is improper because the Patent Office allowed claims 3-6 and 18 in the December 4, 2003 Office Action. Claims 3-6 and 18 had already been searched and examined, and thus no serious burden on the Patent Office exists to continue to examine all of the previously examined claims. Additionally, Applicant respectfully submits that the Restriction Requirement is creating an unnecessary delay and expense for the Applicant. The claims are sufficiently related that Restriction is unnecessary.

For at least the foregoing reasons, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: June 28, 2004

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